

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOE CAMERIERI

§

Plaintiff,

§

v.

§ CIVIL ACTION NO: 3:09-cv-00280

EXPRESS INDUSTRIES CORPORATION
PROFIT SHARING PLAN
Defendant.

§

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§

§

AFFIDAVIT OF W. JACKSON WISDOM

STATE OF TEXAS

§

COUNTY OF HARRIS

§

BEFORE ME, the undersigned authority, on this day personally appeared W. Jackson Wisdom, and after being duly sworn according to law, upon his oath deposed and stated as follows:

1. "My name is W. Jackson Wisdom. I am over twenty-one (21) years of age, have never been convicted of a felony, have no legal disabilities, and am fully and legally competent to make this oath and Affidavit. I am one of the attorneys for the Defendant in the above-referenced case. I have personal knowledge of every fact contained in this Affidavit and every fact contained herein is true and correct.
2. I am the Managing Partner for the law firm of Martin, Disiere, Jefferson & Wisdom, L.L.P. (MDJW). My firm has been retained by Express Industries Corporation Profit Sharing Plan ("Defendant" or "the Plan") to act as its attorney in the above captioned and referenced matter. I charge an hourly rate of \$300, the senior counsel on this matter charges an hourly rate of \$200, the law clerk charges an hourly rate of \$175, and the paralegal charges an hourly rate of \$125. In total, we have expended approximately 155 hours for this lawsuit.
3. Accordingly, to date, the total amount of reasonable and necessary attorneys' fees incurred in the prosecution of this matter is \$29,602.55.
4. The time in the form of attorneys' fees incurred in this matter is comprised of reviewing and analyzing the relevant file material, including the Summary Plan and the Plan documents, meeting with representatives of the Plan and discussing the facts of the case and strategy, conducting legal research regarding Employee Retirement Income Security Act claims, preparing pre-suit letters, corresponding with Plaintiff's

counsel regarding the same, preparing the Answer, preparing discovery, preparing a Response to Plaintiff's Motion for Summary Judgment, preparing Defendant's Motion for Summary Judgment, and responding to Plaintiff's Motion to Strike Defendant's Exhibits.

5. I am familiar with the fees normally charged in Harris County, Texas in cases of this type involving commercial disputes. In my opinion, \$29,602.55 was reasonable and necessarily incurred in the prosecution of this case.
6. It is also my opinion that appellate fees should be awarded in the event of a successful defense of an appeal by Plaintiff. In that regard, it is my opinion that an appellate fee of \$35,000 - \$40,000 would be a reasonable fee for handling an appeal to the 5th Circuit.
7. These opinions are based on my knowledge of awards in the greater Houston area as well as my experience, education, and background, and other relevant factors.
8. In reaching this opinion regarding the above hourly rates and time spent, I analyzed several factors, which include the following: (1) the time and labor required; (2) the novelty and difficulty of the questions presented, (3) the skill required to perform the legal service properly, (4) the customary fee in the community, (5) the time limitations imposed by the circumstances of the case, (6) the amount involved and the results obtained, (7) the experience, reputation, and ability of the attorneys, (8) the desirability of the case, (9) and the nature and length of the professional relationship with the client.
9. I am currently employed as the Managing Partner with the law firm of MDJW. I am licensed to practice law in the State of Texas and have practiced law for more than 19 years. I am licensed to appear before all Texas state courts. I have handled lawsuits in numerous Texas counties, including Harris County. As such, I am familiar with the customary attorney's fees for handling these types of cases in Harris County. The fees and expenses incurred by MDJW on behalf of the Plan in the defense of this lawsuit were reasonable and necessary based upon the factors identified above.

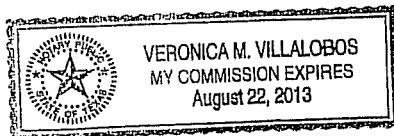
FURTHER AFFIANT SAYETH NOT.

W. Jackson Wisdom

W. Jackson Wisdom

4th SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, on this the day of October, 2010.

Veronica M. Villalobos
Notary Public in and for the State of Texas



My Commission
Expires: August 22, 2013